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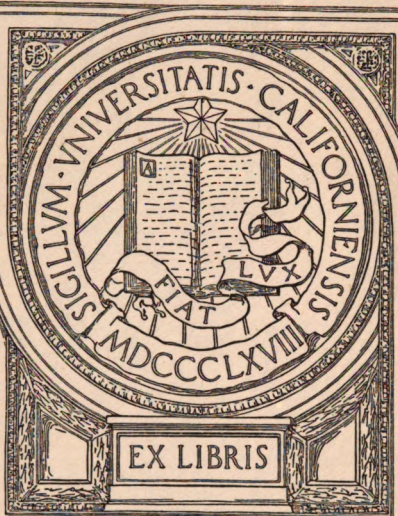
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**NOTES**

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ON THE

**REFORM BILL.**

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BY A BARRISTER.

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LONDON:

ROAKE AND VARTY, 31, STRAND.

1831.

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# NOTES

ON

## THE REFORM BILL.

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THE BILL proposed by his Majesty's Ministers, for the amendment of the Representation of the people in England and Wales, having now been read in the House of Commons a second time, it has arrived at that stage, in the process of becoming a law, at which it is usually understood that THE PRINCIPLE of a projected measure is to be taken as established, and that the DETAILS alone remain as the subjects of fair and straightforward discussion.

This is a useful rule, and it serves very materially, in ordinary cases, on the one hand, to discountenance a factious opposition to a recognised principle; and, on the other, to lighten and facilitate the work of legislation, by referring the consideration of different parts of a subject, not indeed to different tribunals, but to the same tribunal at successive times. The majority for the second reading of this Bill was not, indeed, so large as very decisively to ascertain the sense of the House of Commons upon its principle: the ability, experience, and integrity of that assembly were almost equally divided: and the opinion of that single gentleman, by whose unexpected accession this majority was obtained, was not strengthened by more than that privileged share of consistency, disinterestedness, and good faith, which is known to belong to every Member of Parliament.

It might, therefore, in a common case, and with reference to the conduct of former Ministers, have been a matter of

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grave consideration with the Government, whether, under the present circumstances, it would be fitting to press this measure any further;—whether, in fact, it would be constitutional, in that refined and inner sense of the term, with which all English Statesmen since the Revolution are well acquainted, to urge the ulterior prosecution of a Bill, to which **THREE HUNDRED AND ONE**, out of **SIX HUNDRED AND THREE** of the Representatives of the People, had declared their determined opposition. This might have been worthy of some consideration; and it is probable that in other times, and with former Ministers, a greater wisdom or an inferior courage would have given a prevailing weight to the consideration. But the present Government, in confidence, as it should seem, of the goodness of its cause, or of the **STRENGTH OF ITS ALLIES**, has thought proper to act otherwise: it has learnt to set off the **PETITIONS FROM WITHOUT** against the **VOTES FROM WITHIN**, and with a lawful majority of **ONE**, it intrepidly goes into a Committee.

Such being the fact, it becomes a question for consideration, whether this is a case within the meaning of the rule, or whether it does not constitute an exception which demands a treatment peculiar to itself? Now every measure, the fundamental principle of which can be distinguished and discussed apart from the machinery of its operation, clearly falls within the scope of this convenient provision. If, for example, the House of Commons were to sanction, upon a second reading, an illegal and iniquitous tax upon the transfer of funded property:—or if, in the face of an Act of Parliament, it were to consent to ruin the wine trade of the Cape of Good Hope some years before, according to the pledged faith of the nation, it could lawfully do so:—or if it were to abet a measure for checking and impoverishing the Canadas, for destroying one-third of the commercial shipping of the empire, or for subjecting the lives and property of the West India colonists to the action of eight hundred thousand emancipated slaves:—in each, and in all of these cases, it would probably be considered that a minority had nothing else to do in a Committee, but to endeavour, by all practicable modifications, to neutralize the injustice, and to mitigate the distress and the misery, which, in some shape or other, the House had resolved to inflict. But if this is so in cases, where the iniquity of the principle is capable

of being contemplated apart from the manner in which it is proposed to carry it into effect, it follows, by implication, that the duty of a Member of Parliament, when in Committee, is just the reverse in the instance of a Bill, the principles of which are actually *IDENTICAL WITH, AND ONLY EXISTING IN, EVERY ONE OF ITS MINUTEST DETAILS.* The Ministerial Bill of Reform is precisely a measure of this latter description. It is really and truly based upon no distinguishable principles whatever; — unless it be said that it has as many principles as it has clauses. It contains an accumulation of *EMPIRICAL PROVISIONS*, which rest upon no common *GROUND OF PHILOSOPHY*, — which restore *NO FACT OF HISTORY*, — which embody *NO TRUTH OF POLITICS*, — which are only less absurd than they are dangerous, — which are only less impracticable than they are iniquitous, — which are as false to their own preamble, as they are treasonable to the Balance of the Estates, — which are consistent in nothing but in alteration of that which now is, and in laying a train for the horrible combustion and destruction of all that hereafter shall be. The place for the discussion of *SUCH A BILL* is properly, and almost exclusively, a Committee of the whole House, in which the nullity of the pretences to general principles, set up by the framers of the measure, may be best exposed by a dissection and comparison of the enactments themselves; and in which the indefinite and undefinable *vastness of the change* to be immediately made, and the fearful character of the *REVOLUTION*, which will somewhat more slowly, but *as infallibly follow*, may be demonstrated from the notorious facts of the case.

There are *THREE PRINCIPLES* which stand in relief amongst those by which the Ministers declare themselves to have been guided in the composition of this Bill. These three are, the *RESTORATION* of the constitutional rights of the people in the election of Representatives; and, as leading lights by the way, a faithful estimate and observance of the amount of the *PROPERTY* and of the *POPULATION* of the country. That every one of these three is a *false pretence*; that neither the letter nor the spirit of the Constitution *AT ANY PERIOD OF ITS EXISTENCE*, from the union of the Heptarchy to the accession of the present King, will, by this Bill, be *RESTORED*; and that, moreover, neither *PROPERTY*, nor *POPULATION*, singly or together, *have* been taken as foundations for the proposed system

of election and representation, can be demonstrated to the satisfaction of every unprejudiced person.

Now to show that this measure of Reform is *no restoration* of the *letter* of the Constitution, refer to what page we may; it is not necessary, and would be here much out of place, to enter into any antiquarian disquisition concerning the origin or character of the elective franchise in Counties or in Boroughs. For, dispute as lawyers may upon this or that date, or upon the precise import of this or that Latin or Norman-French word, *one* thing is most certain with regard to the County Franchise;—that at *no* period of our history, in Saxon or in Norman times, before or after the statutes of Henry VI., did any Englishman ever vote at the election of A KNIGHT OF ANY SHIRE, unless that Englishman were a FREEHOLDER OF THE SAME. And *one* thing is equally certain with regard to the BOROUGH FRANCHISE, that let its origin have been what it may—Tenure in Ancient Demesne, Tenure in Burgage, Scot and Lot Payment, Pot-walling, or otherwise,—*one* possible mode and criterion of qualification for voting there was, which in no place, under any circumstances, was ever in force,—that is, *a voting in respect of the possession of a house of the yearly value of 10l.*

But this Bill, though it may infringe the letter, is said to be a renovation of the *spirit* of the old constitutional system!—Let us examine that point.

In the reign of Henry VI., a time of turbulence, but of great popular freedom, the county franchise was fixed at the seisin of a freehold of 40s. annual value. According to Bishop Fleetwood, Adam Smith, and other calculators, the 40s. of the early part and middle of the fifteenth century, would be equivalent at least to 40l. of the money of the present day: and though it may be doubted whether 40l. per annum will make a man as independent now as 2l. per annum did then, *at least, and at all events* a renovator of the *spirit* of the Constitution might have been expected, by raising the *nominal* amount, to have restored the *real* standard of the qualification, from which, in the lapse of nearly four centuries, we have so greatly deviated. But no! the freeholder is still to vote for his 40s., and to him are to be added copyholders of 10l. per annum, and leaseholders of 50l. per annum. Now it is said, and to a certain extent, and for the purposes of the bill, it is said with truth, that a copyhold interest is equal to a freehold interest; upon which suppo-

sition it would of course follow, that the *spirit* of the Constitution, if it enfranchised a copyholder, would require from him a qualification at least equal in value to that which it required of the freeholder. But in fact and in law, a copyhold interest, in consequence of its contingent liability to total forfeiture, and other secondary mulcts, is not absolutely equal to the freehold: therefore a *higher* qualification in value ought to have been demanded, to compensate the comparative inadequacy of the interest. If, however, the standard of value required of the freeholder by the *spirit* of the old Constitution, as the test of personal independence, were applied to the case of the enfranchised copyholder, the modern qualification for the copyholder ought clearly to have been fixed at upwards of 40*l.* per annum: whilst on the other hand, if it were thought right to abandon the *spirit*, and to stick to the *letter* of the Constitution in the case of the freehold qualification, it follows that the framers of this Bill, in assuming the copyhold to be equal to the freehold, had no right to prescribe a higher qualification for copyhold voting than 2*l.* Take it either way; if the *spirit* and meaning of the old and still operating law be regarded, the freehold qualification ought to be raised to 40*l.*, and with it the copyhold qualification, to that sum at least, and in strictness of reasoning, to a higher sum; but if the *letter* of the law be preserved, then copyholds of 2*l.* or 3*l.* ought universally and in strictest consequence to confer a vote. And yet by this Bill, copyholders of 10*l.* alone are qualified to vote; a qualification inconsistent both with the *letter* and with the *spirit* of the Constitution, and totally irreconcilable with the assumption of the Bill itself in the case of the freehold franchise!

But after all this, they *do* fix the leasehold qualification at so high a sum as 50*l.* annual rent! Now, where is the Principle here? By the old law, copyholders and leaseholders were considered as possessing too precarious an interest in the land to entitle them to the elective franchise. It is however alleged, and upon the whole truly alleged, that in the present day the interest of copyholders and leaseholders in the land is a responsible interest, and such as justifies the committing to its possessors the right of voting: but if so, why is the copyholder to be admitted to this new franchise upon showing 10*l.* annual value, whilst the leaseholder is still to be shut out, unless he holds for twenty-one years, and at a rent of 50*l.* per annum? Is not tenure

by a lease as sure, certain, and indefeasible, as tenure by copy of court-roll? Is the Lessor enabled to destroy the tenancy more capriciously than the Lord? Is not the leaseholder for the time being as deeply interested in the land, in its burdens, and in its immunities, as the copyholder or the freeholder himself? No doubt of it. But were it not so, in the case of common leases for a term of years certain, does a *tenant right of renewal* make no difference in the interest,—a right which in law is *all but* an absolute right, and in practice, especially in the North of England, amounts to the inheritance in lease? A copyholder for life of 10*l.* per annum, is to be enfranchised because he has a responsible interest; and a leaseholder with a tenant right of renewal, which may be settled in strict settlement, and may and generally does last from generation to generation, is to be *excluded* by these new restorers of the *spirit* of the Constitution, unless such leaseholder pays a rent of five times the amount of the annual value of the copyholder's interest! This is pretty well, but this is not all. A fifth part of the leaseholders of this country obtain their leases upon the payment of a fine, and hold afterwards at nominal rents, or at least, in thousands of cases, at rents under 50*l.*; and many of these leases comprise property worth 1,000*l.* per annum! All *these* leaseholders are *excluded* also, whilst your honest copyholder of 10*l.* and your still honest freeholder of 2*l.* a year are admitted into the very recesses of the Constitution! Upon what Principle does *this* exclusion stand? A man who has paid down thousands of pounds as a fine for a seven or fourteen years' lease of a large property, in the cultivation of which he embarks thousands more,—is such a man to be incapacitated as not having a recognizable or responsible stake in the country; whilst a ploughman with a life estate in an acre or less of land, or who perhaps only marries the woman that has the acre for her dower, is to be upholden as a fit depositary of this important franchise! If all this were but the vacillation and the bungling of imbecile men, it might be borne in Christian charity: but when it is so clear, that no man *can* mistake it, that Ministers had all these circumstances before their eyes, and did not *dare* to disfranchise the 40*s.* freeholders, because such a measure would be *unpopular*; and yet scruple not, at the expense of the grossest inconsistency, to curtail and wither the interest of the Gentry, who are the great leaseholders upon fine,

because they thought they might inflict *that* blow with impunity,—the common manhood of every English gentleman in the country, who is not nine times bound to the Treasury, must, if there is any such thing as manhood left among us, rise in a just spirit of indignation at this cowardly attempt!

So much for the present; and it is surely quite enough to show that the declaration of the Ministers, that their leading principle was a restoration of the Constitution, is, with regard to the *County Franchise*, whether we look at the *letter* or the *spirit* of the old law, altogether and without any qualification, both positively and negatively, a FALSE PRETENCE. Is it otherwise with regard to the *Boroughs*?—Let us see.

That the *letter* and the *forms* of the old law of Borough voting are abandoned in this Bill has been already shown: that the *spirit* and *meaning* are utterly set at naught is equally true, though it may not be quite so obvious, or altogether so easy to be demonstrated. A word or two of explanation upon this subject. It is a great error in Political Philosophy—it is pre-eminently *the* error of this Bill,—to assume that Property, as Property in the abstract, whether with or without reference to Population, constitutes a legitimate basis of the elective or representative franchise. The true principle is, that UNEQUAL PROPERTY—property *because* and *forasmuch* as it is *unequal*, requires, and therefore in the Idea and Theory of every free State pre-supposes, an elective representation for the protection and support of that very *inequality*. Inequality is a term in the position, by the omission of which, that which otherwise is a profound and pregnant Principle, becomes at once a delusive and pernicious Sophism, destructive of every imaginable form of constitutional government, that rises above the dead level of Democracy. This principle is involved and actualized in the infinite variety of elective franchise prevailing in our boroughs; by means of the diversity, ductility and expansiveness of which, EVERY SORT OF PROPERTY, *as* and *when* the revolutions in Commerce, Manufactures and State Finance, have at any time given birth to new modes and conditions of wealth;—and whether such property were small in amount or obnoxious in kind;—has always had a ready access to that proportionate share of influence in the supreme legislature, which the welfare of the Nation *at large* demanded. But for this elastic and *applicable* quality of the Borough franchise, how could those great con-

stituent Interests of the Empire—the Colonies, the Shipping, and the Funds, which have, one and all, burst into existence or importance *since* the last charter granted to a Borough, have ever obtained any protecting representation in Parliament? It is *because* to boil a pot in a hired room in one place, to pay church rates in another, to hold a quarter burgage at a threepenny rent here, to marry a freeman's daughter or his widow there, to serve an apprenticeship in A, or to be an alderman in B, and so forth, constitute, in opposite corners of England, a right to the elective franchise;—that those forms of property which are in themselves *artificial*, and rest exclusively upon the *credit* given to them by the *integrity* of the Nation, and those also which have no natural *localities* in England, can with certainty find any direct protection in Parliament against the ever wakeful hostility of their enemies. Moreover, by means of this wise diversity of franchise, the whole body politic, from one extreme to the other, is preserved in harmony: the vast net-work of property which covers the Empire is rendered sensitive to touch in its narrowest mesh: the entire mass of the population is just so far fused as to prevent its breaking into Classes: and it is felt, as a consequence, in England, as it is *not* felt in France or in the American Union, that though a man by accident of birth or fortune, may not in his own person possess the elective franchise, his *fellows* in various spots throughout the country *do* possess it: and that though as a single individual he may not have a vote, neither he nor any grown man in the nation is incapacitated as belonging to a particular *class*. Hence it is that in England, where the inequality and artificial nature of property are more striking and extraordinary than in any other country in Europe, the right to that property has been, and *as yet* is, beyond all estimate, more sacred and sure than elsewhere throughout the world.

This was the principle involved, though, perhaps, not constantly proposed, in the gradual creation of the English system of Borough franchise. Its complexity of plan has produced simplicity of operation; its anomaly of particular form has wrought a total harmony of spirit, which we may with a sorrowful confidence predict, can never be preserved without it. But what does this Ministerial Bill of *Reform* propose to do in its promised restoration of the spirit of the old law? In ignorance, or in contempt of the foregoing Truths, which the best man in

the Government is hereby respectfully challenged to disprove; those very peculiarities of the system, which constituted its chief utility to the state, are to be utterly *abolished*, and in their place an unbending and empirical qualification of 10*l.* annual house rent is to be established every where;—a qualification, in defence of which *one* argument, and *ONE ONLY*, has been offered by its proposers—“*THAT A LINE MUST BE DRAWN SOMEWHERE!*” Happy argument! which, if there be truth in Aristotle, would be as good for a qualification at *any* sum, from a penny to 1,000*l.* a year! Fortunate England! whose wise statesmen, in this memorable crisis of her fate, *can* count as far as ten, and at least preserve their Arithmetic, when so many have forgotten their Philosophy! Be it so: but the question is, will Arithmetic dam the torrent? Will Decimals *SAVE US*? Will a *line* of 10*l.* house rent serve as well as the old known system, in giving effective utterance to the voice of those novel, unterritorial, intangible, *unpopular*, interests; which, *nevertheless*, it is a point of life or death to the power and glory of England to cherish or neglect? Will Ministers undertake to say, that under this proposed change in the Borough franchise, coupled with the proposed changes in the County franchise,—will they undertake to say that, under their new system of things, the interests of the Eastern and Western Colonies,—the interests of the commercial Ship-owners,—the interests of the public Creditor,—will have as certain means of procuring to themselves a direct Representation in Parliament, as now they have? If Ministers cannot undertake for this;—if they must own that the access which these Interests now possess to Parliament will inevitably be obstructed;—if the very terms of the proposition involve the certainty of such a result;—then—then—(it is the voice of one man only that speaks, but it is the meaning of myriads, at home and abroad, who cannot articulate their fear and their astonishment)—for Mercy’s sake, while it is yet time, let every man whose Heart is not hardened, whose Understanding is not depraved, by the ferocious sophistry of a demagogic Press, lay to his hand, and check the mad chariot of Ministerial Revolution, before it drags the peace of England to the very edge!

But now, for the sake of argument, let us wave any further discussion of the propriety of the Principles, (allowing them that honorable but much dishonored name!) upon which the Ministers profess to ground their Plan of Reform: and let us

examine with some attention the *nature* of the Enactments themselves, their faithfulness to the *pretended Principle*, and their *consistency* one with another, and each with all. Even if we objected to the premiss, we might expect from Statesmen a logical conclusion, and from Lawyers a legal definition. Let us see if we get either in this famous Bill! **POPULATION** and **PROPERTY** are the twin Stars by which our wise Legislators say that they have steered their ship, although it should seem that much of the voyage has been performed during alternate eclipses of these auspicious lights. For the purpose of displaying some of the aberrations in a practical shape, it will be convenient to print the entire Bill, and to accompany its leading clauses with a few appropriate notes: and should such a dealing with this document be in truth a breach of privileges, which the author respects from his heart, it is humbly hoped that the *moderation* which permitted one half of the Commons of England to be publicly denounced as "**HIRED LACQUIES**" with impunity, will not take fire at this innocuous exercise of mere scholastic criticism. The Bill is exactly as follows:—

#### PREAMBLE OF THE BILL.

"WHEREAS it is expedient to take effectual measures for correcting divers abuses that have long prevailed in the choice of Members to serve in the Commons House of Parliament,—to diminish the expense of Elections,—to deprive many inconsiderable places of the right of returning Members,—to grant such privilege to large, populous and wealthy towns,—to increase the number of Knights of the Shire,—and to extend the Elective Franchise to many of His Majesty's subjects who have not heretofore enjoyed the same;

BE IT ENACTED, by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same,

#### SECT. 1.

"THAT the Boroughs enumerated in Schedule (A.) to this Act annexed, shall cease, after the end of this present Parliament, to return Members to serve in Parliament, and that no writ or precept shall be issued or sent to any of the said Boroughs to return Members to serve in any future Parliament."

## SCHEDULE (A).

| BOROUGHES.         | COUNTY.          | BOROUGHES.         | COUNTY.             |
|--------------------|------------------|--------------------|---------------------|
| ALDBOROUGH ..      | York.            | Midhurst.....      | Sussex.             |
| Aldeburgh ....     | Suffolk.         | Milborne Port ..   | Somersetshire.      |
| Appleby .....      | Westmoreland.    | Minehead .....     | Ditto.              |
| Bedwin (Great) ..  | Wilts.           | Newport .....      | Cornwall.           |
| Berealston .....   | Devonshire.      | Newton .....       | Lancashire.         |
| Bishop's Castle .. | Salop.           | Newtown(Hants)     | Isle of Wight.      |
| Blechingley ....   | Surrey.          | Okehampton ...     | Devonshire.         |
| Boroughbridge ..   | Yorkshire.       | Orford .....       | Suffolk.            |
| Bossiney .....     | Cornwall.        | Petersfield .....  | Hants.              |
| Brackley .....     | Northampton.     | Plympton .....     | Devonshire.         |
| Bramber .....      | Sussex.          | Queenborough ..    | Kent.               |
| Buckingham .....   | Buckinghamshire. | Reigate .....      | Surrey.             |
| Callington ....    | Cornwall.        | Romney (New) ..    | Kent.               |
| Camelford .....    | Ditto.           | St. Mawes .....    | Cornwall.           |
| Castle Rising .... | Norfolk.         | St. Michael's or } | Ditto.              |
| Corfe Castle ..... | Dorsetshire.     | Midshall. .... }   |                     |
| Dunwich .....      | Suffolk.         | Saltash .....      | Ditto.              |
| Eye .....          | Ditto.           | Old Sarum .....    | Wilts.              |
| Fowey .....        | Cornwall.        | Seaford .....      | Sussex.             |
| Gatton .....       | Surrey.          | Steyning .....     | Ditto.              |
| Haslemere ....     | Ditto.           | Stockbridge ....   | Hants.              |
| Hedon .....        | York.            | Tregony .....      | Cornwall.           |
| Heytesbury .....   | Wilts.           | Wareham .....      | Dorsetshire.        |
| Higham Ferrers ..  | Northampton.     | Wendover .....     | Bucks.              |
| Hindon .....       | Wilts.           | Weobly .....       | Herefordshire.      |
| Ilchester .....    | Somersetshire.   | Whitchurch ....    | Hants.              |
| East Looe .....    | Cornwall.        | Winchelsea .....   | Sussex.             |
| West Looe ....     | Ditto.           | Woodstock ....     | Oxfordshire.        |
| Lostwithiel .....  | Ditto.           | Wootton Bassett .. | Wilts.              |
| Ludgershall ....   | Wilts.           | Yarmouth .....     | I. of Wight, Hants. |
| Malmesbury ....    | Wilts.           |                    |                     |

## OBSERVATIONS.

The PRINCIPLE upon which these sixty Boroughs are to be entirely disfranchised, is this:—that places not having 2,000 inhabitants ought not to return members to Parliament. Be it so! How is this PRINCIPLE carried into execution? By selecting for condemnation *now* sixty places which *had not* the required amount of population ten complete years ago! So that it comes to pass that, at the very least, nine of these towns—that is to say, Great Bedwin, Bishop's Castle, Brackley, Buckingham, Eye, Okehampton, St. Michael's, Wareham, and Wootton Bassett,—every one of which, it can be incontestably proved at the bar of the House of Commons, *does* actually now contain more than 2,000 inhabitants—are to be disfranchised,

expressly and *eo nomine*, because they do *not* contain 2,000 inhabitants! In plain English thus:—"Whereas it is expedient to deprive all Boroughs not containing 2,000 inhabitants of the right of returning members to Parliament; and whereas Great Bedwin, &c. do, as a matter of fact, actually contain 2,000 inhabitants; THEREFORE be it enacted, that after the end of this present Parliament, Great Bedwin, &c. shall cease to send Members," &c. A pretty *argal*, truly! If a stranger, as the phrase is, should ask a *reason* for this monstrous inconsistency,—this conclusion directly at war with its true premiss,—there is this satisfactory account of the matter to be given, that Ministers were afraid, if they waited a few months more, for the completion of the census of 1831, that they might give occasion to trickery in the returning officers, and, perhaps, be themselves subject to charges of partiality. A tremendous experiment is to be tried upon the representative system of this great nation:—changes, the consequences of which are incalculable, are to be made at once, and for ever:—Population is professed as the guide and the rule of the innovators, and then the charters of numerous Boroughs are destroyed, against which no charge of misfeasance is so much as pretended, and the population of which does actually come up to, and exceed the prescribed minimum, simply because it has been thought proper to protect the character of Ministers, by referring entirely to an obsolete census, against the chance of imputations of unfair dealing! Is the character of Ministers,—even such great Ministers as ours—of so much importance as all this?

Well! but why is Bereaiston to be entirely disfranchised, when it appears by the very census of 1821 to contain 2,198 inhabitants? Is not this census to be followed throughout?

But let it be granted that Ministers were in the right in taking the census of 1821 as the standard of population, and in thereby disfranchising sixty boroughs as not containing 2,000 inhabitants; when, in fact, at the time of their disfranchisement many of them *do* contain that number: let this be granted; and it surely must be conceded also, that if you may *go back* ten years for so ungracious an act as *disfranchisement*, you ought in equity and in common good faith to provide for an *increase* in the next ten years, and in all successive time, for the purpose of preserving or reviving the franchise! But no! this is to be a *permanent settlement*;—this Bill is to set the

question of representation at rest **FOR EVER!** Why? Upon what grounds of justice or consistency? You take population as a rule, and yet make no provision for the inevitable increase of population! You disregard all vested rights;—you treat all Prescription as a fable,—all Charter as a farce;—you take your stand on Population,—and you disfranchise A. expressly because it comes short of your qualification, and then go on to exclude it for ever, (for such is your profession!) although you well know that in a very few years A. *will* exceed the limit of your qualification! And men can be found who have the effrontery to declare solemnly that they mean and consider this grossly inconsistent, this flagrantly unjust measure to be a **PERMANENT SETTLEMENT** of the question! Will this be endured?

But an objection remains of a much more serious character, and to which, if the law of England is still to be allowed any weight in this awful crisis, the deepest consideration is due.

And hereupon I humbly, but most solemnly, deny that the House of Commons has any **CONSTITUTIONAL AUTHORITY** to disfranchise these Boroughs upon a principle of Expediency alone, without delinquencies proved, and without the parties being heard by counsel at the bar.

And I say that the right to vote in these Boroughs, whether it be in respect of tenure in burgage, or in respect of chartered franchise, is one of those rights and privileges which are the **PROPERTY AND INHERITANCE** of such Englishmen as for the time being possess them, and that there is no power known to the Constitution by which these rights can lawfully or justly be destroyed, **AGAINST THE WILL OF THE SUBJECT, WITHOUT COMPENSATION, AND WITHOUT HIS BEING HEARD BY COUNSEL.**

The right to vote in respect of Burgage Tenure may be a **TRUST**; but it is such a trust as the Law considers to be coupled with an **INTEREST.**

It is an **INTEREST**, the obstruction of which is a *Damnum cum Injuria*, for which the Common Law gives compensation in pecuniary damages.

Lord Holt, in the case of *Ashby v. White*, in the King's Bench, 1 Salk. 19, and afterwards upon writ of error in the House of Lords, where his opinion was supported and established by a great majority, declared that "in Boroughs they

have a right to vote *ratione Burgarii*; and that in Cities and Corporations it is a Personal Inheritance, and vested in the whole corporation; but to be used and exercised by the particular members: and that such a franchise cannot be granted but to a Corporation. And this is not a MINIMUM IN LEGE, but a NOBLE PRIVILEGE, which entitles him to a share in the Government and Legislature."

If there is no precedent of the House of Commons attempting to disfranchise even a Borough accused of delinquent practices, without hearing the Borough by counsel, how can the House of Commons now, with justice, and without violation of the law and usage of Parliament, pass an act for the utter annihilation of SIXTY, and the partial disfranchisement of FORTY-EIGHT\* Boroughs, the sole delinquency of which is the coming short of an arbitrary amount of population in 1821, without hearing the interests so affected by counsel?

If there is no precedent of the House of Commons attempting to pass an act for pulling down a house, cutting a canal, or opening a road, without hearing counsel, and providing for compensation;—how can the House of Commons now destroy rights vested in Corporations, which rights the law declares to be Interests, and for the partial obstruction of the exercise of which, it gives DAMAGES?

The case of the disfranchisement of the Irish Forty-shilling Freeholders, if that case should deserve imitation, went upon other grounds, which were openly asserted at the time. Nine-tenths of these Freeholders—Roman Catholics—accepted the compensation of national Emancipation, for the abstraction of a particular privilege. The disfranchisement of the remaining tenth, who were Protestants, became a necessary peace-offering. But is this a precedent to follow?

Hear an authority, whose prejudices will not be suspected on this subject—JUNIVS. *Letter to Wilkes, 7th Sept. 1771.*

"As to cutting away the rotten Boroughs, I am as much offended as any man at seeing so many of them under the direct influence of the Crown, or at the disposal of private persons; yet I own I have both doubts and apprehensions in regard to the remedy you propose: I shall be charged perhaps with an unusual want of political intrepidity, when I honestly confess

\* Including Weymouth and Melcombe Regis.

10*l*. or upwards, is not subjected to the action of the Committee of the Privy Council, under the 22d Section, it is presumed it is considered sufficiently democratic already.

# SECT. 6.

“ And be it Enacted, That after the end of this present Parliament, each of the Places named in Schedule (F.) to this Act annexed, shall have a share in the election of Burgesses to serve in Parliament, for the Shire, Town, or Borough to which such place is annexed in the said Schedule (F.) ; and that every person having the right of voting in any of the said places previously to the passing of this Act, or acquiring such right by virtue of this Act, shall and may give his vote in respect thereof at the place in which he resides, before the Mayor or other chief officer of the place, who shall transmit the poll taken before him to the Returning Officer of the Shire, Town, or Borough to which such place may be joined for the purposes of Election.

# SCHEDULE (F.)

| Places sharing in the Election of Burgesses. | Shire Town or Principal Borough. | County in which such Boroughs are situated. |
|--|----------------------------------|---|
| Holyhead .....                               | Beaumaris .....                  | Anglesey.                                   |
| Aberystwith .....                            | Cardigan .....                   | Cardigan.                                   |
| Lampeter, and .....                          |                                  |   |
| Adpar .....                                  |                                  |   |
| Llanelly .....                               | Caermarthen ...                  | Caermarthen.                                |
| Pwllheli .....                               | Caernarvon .....                 | Caernarvon.                                 |
| Newin* .....                                 |                                  |   |
| Conway .....                                 |                                  |   |
| Bangor .....                                 | Denbigh .....                    | Denbigh.                                    |
| Ruthin .....                                 |                                  |   |
| Holt ...                                     |                                  |   |
| Wrexham .....                                | Flint.....                       | Flint.                                      |
| Rhyddlan .....                               |                                  |   |
| Overton .....                                |                                  |   |
| Caerwis .....                                | Cardiff .....                    | Glamorgan.                                  |
| Caergonly† .....                             |                                  |   |
| Holywell .....                               |                                  |   |
| Mold .....                                   |                                  |   |
| Llandaff .....                               |                                  |   |
| Cowbridge .....                              |                                  |   |
| Merthyr Tydvil.....                          |                                  |   |
| Aberdare .....                               |                                  |   |
| Llantrissant .....                           |                                  |   |

\* Qy. Nevin Bach.

† Qy. Caergwrle.

SCHEDULE (F.)—*Continued.*

| Places sharing in the Election of Burgesses. | Shire Town or Principal Borough. | County in which such Boroughs are situated. |
|--|----------------------------------|---|
| Llanidloes .....                             | Montgomery. . .                  | Montgomery.                                 |
| Welsh Pool .....                             |                                  |   |
| Machynleth .....                             |                                  |   |
| Llanfylling .....                            |                                  |   |
| Newtown .....                                |                                  |   |
| Narberth .....                               | Haverfordwest....                | Pembroke.                                   |
| St. David's.....                             |                                  |   |
| Fishguard .....                              |                                  |   |
| Milford Haven .....                          |                                  |   |
| Tenby. ....                                  | Pembroke .....                   | Pembroke.                                   |
| Wiston .....                                 |                                  |   |
| Knighton .....                               |                                  |   |
| Ryador* .....                                | Radnor.....                      | Radnor.                                     |
| Kevinleece .....                             |                                  |   |
| Knucklas†.....                               |                                  |   |
| Presteigne .....                             |                                  |   |

What a delightful state of confusion will the Welsh Boroughs be thrown into by these alterations!

## SECT. 7.

“ And be it Enacted, That no person shall, after the end of this present Parliament, have the right of voting at the Election of Members to serve for the Town of Caernarvon, in respect of any supposed right of voting in the place called Criccieth.

## SECT. 8.

“ And be it Enacted, That the Towns of Swansea, Laugharne, Neath, Aberaven, and Ken Fig, shall, after the end of this present Parliament, for the purposes of this Act, be taken as One Borough, and shall return One Member to serve in Parliament; and no person by reason of any right accruing in any of the places last named shall have any vote in the Election of Members for the Borough of Cardiff; and that the votes shall in such Elections be taken at the town or place within which the persons having the right of voting shall severally reside, by the Mayor or other municipal officer of

\* Qy. Rhayader.

† Is a forest.

such town or place, who shall transmit the poll taken before him to the Portreeve of Swansea, who shall be the returning officer for the said Borough.

#### SECT. 9.

“ And be it Enacted, That the persons described in the column of the said several Schedules (C.) (D.) and (E.) shall be the persons to whom all writs and precepts shall, after the end of this present Parliament, be directed, and shall be the Returning Officers for the Elections of Members to serve in Parliament for the said towns and places.”

Who are to be the returning officers for the *parish* of Halifax; the *district* of Greenwich, Deptford, and Woolwich; the *district* of Sunderland and the Wearmouths; the *district* of Devonport, Stoke Damerell and Stonehouse; the Tower Hamlets !! (Qy.—the *Duke of Wellington* ?); the *district* of the Finsbury Division, Ossulston Hundred, and parishes of St. Andrew, Holborn, St. George the Martyr, *Saffron Hill*, *Hatton Garden*, *Ely Rents*, (which are *not* parishes, but parts of St. Andrew's parish) St. Giles in the Fields, and St. George, Bloomsbury?

Who is to embody the majesty of Mary-le-bone, St. Pancras, and Paddington? and who of Lambeth, Newington, Bermondsey, and dear good Redriff? Were but one shred or scion of Captain Lemuel alive!

Who *is* to be the Triton of these minnows? Why is this kept a secret? In this great revolution in the face of things it is quite refreshing to see how the humblest officers known to the Constitution are in request with our Ministers. They impound a stray bailiff or constable like a transgressing donkey; and if he happens to be a *High* Constable, they take good care of his Highness in print. Now in Blackburn, which *Parish* is more than twenty miles in length, there are *twenty-two* Townships, and every township hath a Constable, and one is as good as another. Which, O which, shall be raised to the *returning* throne? Who is to *pay* the elevated individual, and *who* is to have the patronage?

There was an odd story in the newspapers a week or two ago. A gentleman living at Kentish Town had a tumour upon

his nose. He was a middle-aged man, healthy, up to his daily business, and very good looking withal. But he could not rest for his tumour. Some French ladies had quizzed it. It was to no purpose that some old friends, and amongst them one or two medical men, acquainted with his constitution, assured him that the tumour was a trifle, probably not without its use in preserving his general health, and that a violent removal might be dangerous. The tumour did not look well, and that was enough to send the gentleman to Sir Astley: "Can you remove this excrescence, Sir?" "To be sure I can," said Cooper; "we can remove any thing with the proper instruments; but *this* is a mere nothing. Do you wish to be rid of it?" "Yes!" answered the afflicted man. Sir Astley operated, as he always operates, like a gentleman;—a cut—a few tears—a little blood—the tumour was *off*, and our friend *restored* to his original beauty. All gratitude to Sir Astley;—greatest of surgeons!—ought to have a patent for removing tumours from noses!

When the middle-aged and restored gentleman got home, he feasted his eyes on the mirror. All smooth and symmetrical. He went out;—nothing but congratulations from his French neighbours and the Spanish Refugees. His happiness was complete, and his health now *permanent*. But after a week had passed, some symptoms of inflammation appeared; bleeding prescribed; much weakened without lowering the fever, till, three days afterwards, he awoke one morning, and, to his horror, found that his whole face was covered with ERYSIPELAS!

#### SECT. 10.

"And be it Enacted, That no person shall be entitled to vote at the Election of a Knight of the Shire to serve in any future Parliament, in respect of any house by reason of the occupation whereof he or any other person shall be entitled to vote for any City or Borough."

#### SECT. 11.

"And be it Enacted, That from and after the end of this present Parliament, every male person of full age and not subject to any legal incapacity, seised of and in any lands or tenements for an

estate for life, or for any larger estate of at least the yearly value of *Ten pounds* above reprises, holden by copy of court roll of the lord or lady of any manor, or by any customary tenure, and every person holding lands or tenements by lease for any term not less than *years*, whereon a yearly rent of not less than *Fifty pounds* shall be reserved, shall have a right to vote in the Election of Knights of the Shire in all future Parliaments; provided that no leaseholder shall enjoy such right by virtue of any lease renewable every year, or which shall have been renewed within *Two* years preceding the registration to be made in manner hereinafter directed: *Provided always, That nothing herein contained shall take away or in any manner affect the right of voting for Knights of the Shire, at present enjoyed by any person, and which may hereafter accrue to any person, according to the laws now in force, in respect to freehold property, rent charges, annuities, or any other right of voting now by law enjoyed in relation to the Election of Knights of the Shire.*"

The main subject of this latter clause has been so fully discussed in the preliminary remarks, that it is not necessary to point out a second time the inconsistencies and legal inaccuracies into which Ministers have fallen; but will they have the goodness to explain to the public by what ingenious construction it is proposed to reconcile the enactment contained in the tenth section with the express and unqualified provision contained in the eleventh section? Which do they *mean*? To *allow* County voting for houses in Boroughs, or to *destroy* it? If the latter, they must alter the provision in the eleventh clause, which in strict terms preserves it.

#### SECT. 12.

" And be it Enacted, That after the end of this present Parliament, every person owning or holding any lands or tenements situate within Cities or Towns being counties of themselves, described in Schedule (G.) to this Act annexed (which lands or tenements would, if situated in a county not being a city or town which is a county of itself, entitle the owner or holder thereof to vote) shall be entitled to vote at any Election for the Knights of the Shire named in the said Schedule (G.) respectively."

## SCHEDULE (G.)

| COUNTIES of Cities or Towns. | COUNTIES<br>For which the Freeholders, Copy-<br>holders, and Leaseholders<br>are to Vote. |
|------------------------------|---|
| Bristol .....                | Somerset.   |
| Canterbury .....             | Kent.   |
| Chester.....                 | Cheshire.   |
| Coventry .....               | Warwick.  |
| Exeter .....                 | Devon.  |
| Gloucester .....             | Gloucestershire.  |
| Kingston-upon-Hull .....     | Yorkshire, East Riding.   |
| Lichfield .....              | Staffordshire.  |
| Newcastle-upon-Tyne.....     | Northumberland.   |
| Norwich .....                | Norfolk.  |
| Nottingham.....              | Nottinghamshire.  |
| Poole .....                  | Dorset.   |
| Southampton .....            | Southampton.  |
| Worcester .....              | Worcestershire.   |
| York .....                   | Yorkshire, North Riding.  |

Now for one moment consider the exquisite, the super-subtle absurdity of this precious clause.

By Sect. 10, *no* person is to vote in county elections in respect of a house which gives a vote for a Borough !

By Sect. 11, *every* right of voting for Knights of the Shire *at present* enjoyed by any person, or which may *hereafter* accrue to any person, according to the LAWS NOW IN FORCE, in respect of Freehold Property, Rent Charges, Annuities, or ANY OTHER RIGHT NOW BY LAW ENJOYED in relation to the election of Knights of the Shire, is to remain, and in no manner to be taken away or affected !!

Then, by Sect. 12, in fifteen cities and towns which happen to be what is called *counties* of themselves, the Freeholders **ARE** to vote in the counties in which such towns are locally situated ! and the effect will be this ; **THAT** whilst the Freeholders of Kingston-upon-Hull, and of York will be allowed to augment the immense constituency of Yorkshire, the Freeholders of Manchester and Liverpool will be excluded from any interest in that of Lancashire, of which county they, in fact, constitute the main-stay !

Is it possible that Passion can so blind the very meanest man in England, that he will consent to be legislated for at this rate!

SECT. 13.

" Provided also, and be it hereby Enacted, That no person shall vote for any Member to serve in any future Parliament, in respect of the ownership or possession of any lands or *tenements*, unless he shall have been seised or possessed thereof for the space of *Thirty* days at least before the registration (to be made in manner herein-after directed) last before the Election at which he shall claim to vote."

*Tenements*.—This word will include the *house* of § 23. How will the thirty days *here*, and the six months *there*, agree?

Again; is it intended by this clause to repeal the exceptions contained in the 18th Geo. II. c. 18, § 5, in favor of descent, marriage, marriage-settlement, devise, &c.? If so, why is it not so stated clearly, and some sufficient reason given for changing the well-known principle of the law upon this subject?

SECT. 14.

" And be it Enacted, That each of the Counties enumerated in Schedule (H.) to this Act annexed, to be divided in manner hereinafter particularly directed, shall in like manner choose and return *Four* Knights of the Shire instead of two, to serve in all future Parliaments for the same respectively."

SCHEDULE (H.)

| COUNTIES TO RETURN EACH FOUR MEMBERS.  |   |
|--|---|
| Chester.<br>Cornwall.<br>Cumberland.<br>Derby.<br>Devon.<br>Durham.<br>Essex.<br>Gloucester.<br>Kent.<br>Lancaster.<br>Leicester.<br>Norfolk.<br>Northumberland. | Northampton.<br>Nottingham.<br>Salop.<br>Somerset.<br>Southampton.<br>Stafford.<br>Suffolk.<br>Surrey.<br>Sussex.<br>Warwick.<br>Wilts.<br>Worcester. |

## SECT. 15.

" And be it Enacted, That in all future Parliaments there shall be *Six* Knights of the Shire instead of four, to serve for the County of York, that is to say, *Two* Members for each of the Three Ridings of the said County, to be elected in such manner and by the same classes and descriptions of voters, and in respect of the same several rights of voting as if each of the Three Ridings were a county of itself."

## SECT. 16.

" And be it Enacted, That in all future Parliaments there shall be *Four* Knights of the Shire instead of two, to serve for the County of Lincoln, that is to say, *Two* for the parts of Lindsey in the said County, and *Two* for the parts of Holland and the parts of Kesteven in the same County; and that such *Four* Members shall be chosen in the same manner and by the same classes and descriptions of voters, and in respect of the same several rights of voting as if the said parts of Lindsey were a separate county, and the said parts of Holland and Kesteven together were also a separate county."

## SECT. 17.

" And be it Enacted, That in like manner all persons now having or who would by virtue of this Act acquire the right of voting in Elections for Knights of the Shire for the County of Southampton, by reason of the ownership or possession of any lands or tenements situate within the Isle of Wight, shall in all future Parliaments cease to vote in such Election for the County at large, in respect of such ownership or possession, and shall be entitled to choose One Member to serve for the Isle of Wight, and that all Elections for the same shall be holden at the town of Newport in the Isle of Wight."

## SECT. 18.

" And be it Enacted, That a Committee of the Lords of His Majesty's Most honorable Privy Council, to be selected and named by His Majesty under His Royal sign manual, shall within *Three* months of the passing of this Act, inquire into and determine in what manner the said Counties enumerated in Schedule (H.) to this

Act annexed, shall thereafter be divided, for the Election of Knights of the Shire to serve in all future Parliaments; and shall have the power of uniting and incorporating with any County, or any division of a County to be by them made (for the purposes of Election only) any outlying portions of any other County which may be locally situate within the former, and shall make a report to His Majesty in Council; and it shall be lawful for His Majesty to issue His Royal Proclamation, making known the determination and report of the said Committee, and such reports shall forthwith be laid before both Houses of Parliament."

SECT. 19.

"And be it Enacted, That the said Committee shall also in their said report determine at what places respectively all Elections of Knights of the Shire to serve in all future Parliaments for the respective *divisions* of the said Counties, when so divided, shall be holden."

SECT. 20.

"And be it Enacted, That after such division and incorporation of the said Counties shall have been proclaimed as hereinbefore mentioned, any person claiming and having the right to vote, after the end of this present Parliament, for a Knight of the Shire to serve in Parliament, shall vote only for that division of the said County in which the property in respect of which he claims to vote shall be situate."

The proposition contained in the first of these clauses is so monstrous, that it has excited the serious disapprobation of the most determined friends of the Bill in general. It is believed, indeed, that Ministers will not pretend to defend it, and therefore it is unnecessary to waste time and labor, when both are precious, in exposing the unconstitutional nature of this unprecedented Commission. But it may just be remarked, that the enactment proposes an absolute impossibility. What! inquire into and *determine* in what manner twenty-seven counties, *all over England*, shall be equally divided; and settle questions of out-lying parcels, in **THREE MONTHS**! Do the men capable of effecting this yet lie hidden in the Privy Council list? It may be safely said, that no man in the empire

could do this work—*fairly*, observe, and *carefully*—in less than as many years! Besides, how are Privy Councillors to be remunerated for this arduous undertaking? Is the country to pay them with its love or its money? At least it is worth a thought even from Mr. Hume.

As to the twentieth clause, is a man, having separate freeholds in *each* of the proposed divisions of a county, to vote in each division? If so, and so it stands upon the Bill, in twenty-six counties of England the constituency may, by possibility, be doubled, and in Yorkshire, trebled.

In fact, these sections, from 14 to 20, leave it in complete obscurity whether the Members are to be elected by the whole County, or by the respective divisions only.

Sect. 14. *Each County* in Schedule (H.) is to choose and return *four Knights of the Shire*, instead of two, to serve for the *same*, i.e. *the Shire*.

Sect. 19. The Knights are to serve for the *divisions* of the said counties.

Am I, in short, to have *four* votes for the *four* Members for Devon, or am I to have only *two* votes for the *two* Members, or even *one* vote for the *one* Member for the division in which my freehold lies? If the latter, so far from this being a boon, I am positively injured by having my right to concur in the election of a Representative for *all Devonshire* cut down to a vote for the South Hams, or the division of Barnstaple, Bridport, &c.

#### SECT. 21.

“ And be it Enacted, That another Committee of His Majesty’s Most honorable Privy Council, to be named by His Majesty under His sign manual, shall *inquire into and determine the limits and boundaries of all the Cities and Boroughs in England and Wales* having the right of sending Members to Parliament, and shall have power to annex unto and incorporate with any City or Borough, any parish or township locally situated within such City or Borough or thereto adjoining, or any outlying portion of any parish or township which may happen to be locally situate beyond the limits of such City or Borough respectively, and shall on or before the

next, after the passing of this Act, lay before His Majesty in Council a report of such their determination;

and it shall be lawful for His Majesty to issue His Royal Proclamation, making known the said determination and report of the said Committee, from the date of which Proclamation such Cities and Boroughs shall be and remain bounded and limited, annexed and incorporated respectively according to such determination as aforesaid; and the said report shall forthwith be laid before both Houses of Parliament."

If the Commission proposed in the eighteenth section be unconstitutional and impracticable, what shall we say to this second attempt? Are Ministers seriously aware, that some of the most difficult, the most important questions, touching corporate *property*, corporate *privileges*, and corporate *liabilities*, that have ever, or can ever, come into the Courts of Westminster Hall, depend entirely upon the legal boundaries of City and Borough precincts? Nothing can be more unsettled, for example, than the precise limits of London; and will the Government of this country declare in Parliament, upon their responsibility, that they intend that a Committee of the Privy Council shall summarily, without a jury, decide by a judgment *upon which no writ of error can be brought*, causes of such weight, complexity and interest as those by which the limits of St. Andrew, Holborn, and St. Dunstan in the West, have recently been fixed on the side of Lincoln's Inn? If it does so intend, then we humbly ask, whether Impeachment has been given up? To advise the King to name a Committee, most of whom would know nothing of the law, who would proceed compulsorily against all Corporate Towns, *would enforce a production of muniments, and a discovery of grounds of title*,—and would pronounce definitively, and without appeal, upon thousands of questions, in which the rights and the property of chartered bodies and of private persons would be essentially involved,—this is a sort of *advice* which would have been considered in a very serious light by the leaders of the Revolution, and for very much less than a tenth part of which some Ministers have been brought to the block! But the fact is, the proposition is absurd and impossible of execution; for it may be confidently assumed that, however short-sighted or passionate the partizans of Ministers may be in their advocacy of this miserable Bill, there would still be so much personal honor and love of justice in gentlemen of the rank of Privy

Councillors, with respect to matters of property between party and party, that not three of them would be found to take upon themselves a jurisdiction, for the honest exercise of which they would know themselves to be utterly unfit ! And perhaps this is all that needs be said upon this subject at present ; especially as Ministers have found that in this point they have gone a *little too far !*

#### SECT. 22.

“ And be it Enacted, That the said last-mentioned Committee of the Lords of His Majesty’s Most honorable Privy Council, shall, within *Three months* after the passing of this Act, proceed to annex to such Cities and Boroughs (except those enumerated in Schedule (A.) as now have the privilege of sending Members to Parliament, but do not contain more than *three hundred* houses, of the yearly value of *Ten pounds* at least, or rated to the relief of the poor, or to the duty assessed on inhabited houses at *Ten pounds* by the year at least, any parish or township within which the said City or Borough or any part thereof may lie, or any parish or township adjoining thereto, or any outlying portions of any other parish or township that may be locally situate within such City or Borough, or within such annexed parish or township, parishes or townships, as such Committee may deem convenient (for the purposes of Election only) ; and every such City or Borough shall, jointly with such annexed parish or township, parishes or townships, be a City or Borough for the purpose of electing Members, and return such Member or Members as they may be entitled respectively to return to serve in all future Parliaments ; and the said last-mentioned Committee shall make a report of their determination touching the said annexations to His Majesty in Council, and it shall be lawful for His Majesty to issue His Royal Proclamation, making known the said determination and report of the said Committee, and the said report shall forthwith be laid before both Houses of Parliament.”

The *same* Committee of Privy Councillors, who are to settle the boundaries of all the corporate towns in England and Wales, as mentioned in the preceding clause, are directed by this clause to proceed, *within three months* after the passing of the Act (which God forbid !) to exercise a power, which, if possible, is still more arbitrary and unconstitutional. Without any legal restriction—without any rule prescribed by the

Act itself, they are to annex to every remaining corporate town, not containing more than three hundred houses of 10*l.* yearly value or rating, any parish or township, or portion of parish or township, situate within or near to such Borough, as to the Committee may seem proper. No limit is fixed to the amount of the annexations; the Borough may be made up to three hundred, or six hundred houses, just as this extraordinary Committee of Privy Councillors may, without reference, of course, to party influence, absolutely determine!

Now observe and perpend :

I. There are not less than EIGHTY-FIVE Boroughs (which are to remain by this Act) which will be incapable of exercising any elective franchise, until this Committee of the Privy Council shall have made up the number of their rated houses to three hundred. For this astounding fact, see the Parliamentary Return of this Session, No. 202.

II. With regard to about one-half of these eighty-five Boroughs, it is a fact that all the rated houses in all the parishes within SEVEN statute miles of each of such Boroughs, are not sufficient to make up the prescribed number of three hundred; and with respect to some of them no less than twenty-two Parishes, some parts of which will be near forty miles from the Borough itself, must be annexed in order to supply the requisite amount of constituency.

III. With regard to three Welsh borough districts; to wit, Beaumaris, Cardigan, and Radnor, THERE ARE NOT THREE HUNDRED RATED HOUSES IN THE WHOLE OF THE COUNTIES IN WHICH THESE BOROUGHS ARE RESPECTIVELY SITUATED !! See Return 202.

If the public be generally aware of the monstrous despotism which this enactment involves, and if it be so blinded by faction as to look upon this outrageous stretch of power with apathy, yet will it endure such inconceivable stupidity and foolery as this?

And now what has become of your principle of having NO OUT-VOTERS? And does not this in fact conflict with the whole *Principle* upon which the Boroughs are to be dis-

franchised? For, if Voters may be added to Population, *why* may not Population be added to Voters?

Perturbatur ibi totum ni corpus, et omnes  
Commutantur ibi POSITURÆ PRINCIPIORUM!

#### SECT. 23.

" And be it Enacted, That in all Elections for Members to serve in any future Parliament for Cities and Boroughs, every male person of full age, and not subject to any legal incapacity, who shall have occupied for *Six* months previous to the settlement of the registers which are hereinafter directed to be made, any house within such Cities and Boroughs of the clear yearly value of *Ten pounds*, or bonâ fide subject to the yearly rent of *Ten pounds*, or which shall have been for the same time rated to the relief of the poor, or to the duty assessed upon inhabited houses, at a sum not less than *Ten pounds*, shall have a right to vote for such Cities and Boroughs: Provided always, That no person who shall not have been duly registered according to the provisions hereinafter contained shall be admitted to vote at such Election: Provided also, That every person now having a right to vote in virtue of any corporate right, shall retain such right for his life, and on being duly registered shall be entitled to vote, provided every such person shall have resided for *Six* months previous to the time of registration hereinafter directed, within *Seven* statute miles of the usual place of election within such city or borough; and provided also, that any person now having a right to vote by reason of owning or occupying any tenement, shall retain such right as long as he owns or occupies the same or any other tenement in the same place, by reason of which ownership or occupation he will have a right of voting by the laws or customs now in force, and shall be allowed to vote, if duly registered, as hereinafter directed."

This section, coupled with the third section, demands the especial attention and meditation of every one who would fully understand the nature and the extent of the revolution which this Bill, if passed, will effect in the representative system of this country. The reader is requested to consider for a moment the Schedules (C.) and (D.), and to bear in mind that it is pro-

posed to give a vote to every house of 10*l.* yearly value or rent or rating in each of the places mentioned in those Schedules. Now observe the effect. A few towns shall be taken at random; the same result will appear from an examination of all.

|                     | Number of Houses of 10 <i>l.</i><br>Rent and upwards. | Houses between 10 <i>l.</i> and<br>20 <i>l.</i> rent. |
|---------------------|---|---|
| Sheffield .....     | 1,556   | 1,083   |
| Greenwich, &c. .... | 4,177   | 2,594   |
| Halifax .....       | 461   | 278   |
| Birmingham .....    | 4,561   | 2,996   |
| Tower Hamlets ..... | 26,282  | 12,788  |
| Bradford.....       | 444   | 316   |
| Dudley .....        | 437   | 306   |

The result is, that in these and generally in all the places which are to return members to Parliament, *two-thirds* of the voters will be persons holding houses from 10*l.* to 20*l.* value; and this proportion nearly agrees with what is observable upon the aggregate number of all the houses rated in England and Wales. Thus there are 378,786 houses in England and Wales rated at 10*l.* and upwards; of these 116,030 are from 10*l.* to 15*l.*; 66,394 from 15*l.* to 20*l.*; and 74,499 from 20*l.* to 30*l.*; showing that 256,928, or *two-thirds* of all the rated houses in England and Wales are in the hands of men rated at less than 30*l.* per annum. Hence "the majority of voters in every town will belong to the very lowest class of houses, and, consequently, the effective Representation of the WHOLE EMPIRE will be thrown into the hands of one single class, and that, too, a very *narrow* class of the NATION!"\*—the small Shopkeepers—precisely the most dependent race of men in the whole empire!

But let it be granted that it is expedient in a *country* such as this, some of the most vital interests of which are purely artificial, others wholly without local connexion with Counties or Boroughs, and others, though most necessary, most sacredly guaranteed, generally *unpopular* with the lower orders of the community—and at a *time* like this, when the honored and

\* Mr. Croker's Speech.

honoring inter-dependence of a mitigated feudality has almost universally been destroyed under the joint action of a mercenary misuse of landed property, and a perverted poor law,—when the stiff, but magnificent robe which shrouds in its folds the *eternal* distinctions of rich and poor has been rent violently asunder, and the sharp edges of Wealth and Pauperism have been brought into sheer collision;—when the calmest temper, the profoundest thought, the keenest foresight, are cryingly demanded for the great work of a thorough rectification of the internal economy of the country, and for the preservation of the honor and the integrity of the Empire abroad,—let it be granted that in such a society, and at such a time as this, it is expedient to augment tenfold the weight of the Democracy in the House of Commons,—we may at least expect that this shall be done upon some principle of equity, which may be clearly distinguished by all, and which may have a tendency to *satisfy*—certainly not to exasperate—the very Democracy itself! Now, look at the Bill, and see how reasonably and quitably our Ministers propose to adjust the Representation of the People.

Existing Boroughs not having 2,000 inhabitants in 1821, are to be annihilated.

Existing Boroughs having 2,000, and not 4,000 inhabitants in 1821, are to return one member.

Existing Boroughs having 4,000 inhabitants, and upwards, in 1821, are to remain as they are.

Now for the new ones!

Places having 10,000, and not 20,000 inhabitants in 1821, are to have *one* member.

Places having 20,000 inhabitants and upwards, are to have two members, and no more.

Places under 10,000 inhabitants are to have *no* member.

So that *here*, a town of 2,000 inhabitants is to have *one*, member; *there*, a town of 9,999 is to have *NONE*! Here, a town of 4,000 inhabitants is to have *two* members; and there, a town of 9,999 is to have *NONE*! In this place an old borough, with 4,000 inhabitants, is to have *two* representatives; and in the neighbourhood, a town of 19,999 inhabitants is to have *one* only!

Thus Huddersfield and St. Ives; Macclesfield and Penryn; Kidderminster and Sudbury; Bolton and Westbury; South

Shields and Evesham, are to be put on the *SAME* footing! *The same footing!* And now, in the name of consistency, upon what Principle? Is it on the Principle of POPULATION, or is it on the Principle of PROPERTY? Which is the real Amphitryon with whom we are to dine?

And let no man think to stave off the conclusion, by saying that Ministers were bound to show a certain priority or favor to old Boroughs, where such favor did not interfere with their plan of Reform! It is a FALSE PRETENCE! It only aggravates their guilt to suppose them to regard *any* chartered rights as more than mummery! The charter of Gatton is every whit as indefeasible as the charter of Downton, or the prescription of Calne! When they had resolved to destroy the charters of sixty Boroughs, because these sixty Boroughs came within an arbitrary line of their own irresponsible fixing,—when they had set a precedent that even the King's charters were to be no let to a wild inconsistent scheme of change,—when the hitherto sacred *principle* of Chartered Privileges was set at naught for the sake of Expedience,—*when* they had done this, *then* they were bound, as they meant to justify their audacious counsel to the King upon any ground of justice, by any rule of population or of property, to have gone on, and have fairly given to the population and the property of this nation a fuller and more adequate system of Representation, if *THEY COULD*. They have most notoriously, most undeniably, *done no such thing*; they have *created* the most monstrous and insufferable inconsistencies; they have diminished the Representation, and concentrated the effective Election in the LOWER CLASSES OF THE PEOPLE TO THE VIRTUAL EXCLUSION OF ALL ABOVE THEM!

Manchester was not jealous of Gatton; for Manchester knew that the privileges of Gatton were granted to it at a time when Manchester had not a name, and the member for Gatton was as likely to be the member for and advocate of Manchester as if elected at Manchester itself. But now Manchester knows that Malton and Manchester were both on the table together before our Reformers; that Charters were no longer to be regarded; that Population and Property were to be taken as guides; and that, *de novo*, as a NEW and as a PERMANENT order of things, the Reformers propose to give to Malton and Manchester the *same* number of representatives! And this, which is so shocking to REASON, will satisfy the PASSIONS of

the people when the false *lull* of the moment is over ! *Credat Judæus !*

But, after all, the Reformers dared not disfranchise *out and out*. They scruple not to annihilate *small* Boroughs, the resentment of which they consider to be insignificant ; but they fear to carry their own 10*l.* qualification into effect to the exclusion of present voters in the *large* boroughs ! So that for the next twenty, thirty, or forty years to come, we shall have the old corporate right remaining ;—the burgage tenant, the potwaller, the apprentice, the daughter's husband, &c., and these intermixed and inextricably blended with the new qualifications ! Not a single source of dispute extinguished, not a petition abridged, nor a committee the less, within common expectation of living ! The vested rights of the *present* race of *lawyers* have been very well consulted, it must be acknowledged !

The remaining twenty-four sections of the Act contain almost exclusively the machinery by which it is proposed to carry this measure of Reform into effect. It would be a painful waste of time to expose all the manifold and very manifest, inconsistencies of these ill-drawn clauses ; the clauses themselves are printed in order to complete the entire Bill in this pamphlet ; but a very few remarks will be made upon them.

#### SECT. 24.

“ And be it Enacted, That the churchwardens and overseers of every parish and township, in part or in whole, situate within, or by virtue of this Act to be annexed to any City or Borough returning or which shall return Members to serve in any future Parliament (except those named in Schedule (A.) shall on or before the

in the present year, and on or before  
and the

in each subsequent year, make out an alphabetical list of every male person residing within such City or Borough, or annexed parish or township as the case may be, occupying a house of the clear yearly value of *Ten pounds*, or bonâ fide subject to the yearly rent of *Ten pounds*, or rated to the relief of the poor, or to the duty on inhabited houses, at a sum of not less than *Ten pounds* by the year, and in respect of which all the rents, rates and taxes shall have been paid up to that time ; and another such list, of every male person claiming to vote by virtue of any

corporate or burgess or any other right existing in such persons at the time of passing this Act, and shall affix such lists to the doors of all churches and chapels in the several townships and parishes situate within the said Cities and Boroughs respectively, on the three Sundays next after they shall have been made respectively in this and every subsequent year."

SECT. 25.

" And be it Enacted, That on the Monday next following the last of the said three Sundays in the present year, and on the first Monday in the month of November in each succeeding year, the Returning Officer of every City or Borough shall sit in some convenient public hall or place (having first given Three clear days notice of his sitting, to be affixed on the doors of all the said churches and chapels) for hearing objections to the insertion or omission of names in either of the said lists, and for inquiring into the truth of such objections, and for expunging, retaining or inserting names according to the best of his judgment."

Were Dogberry and Verges, then, prophetic?

SECT. 26.

" And be it Enacted, That the *said Returning Officer* shall have full power and he is hereby required to *retain* on the said list all names to which no valid objection shall be made and proved by evidence, and to *insert* in such list the name of every male person of full age, not subject to any legal incapacity, who shall appear to have been residing for *Six* months at least within such City or Borough, or such annexed parish or township, and to have either been in the occupation of such house as aforesaid for *Six* months at the least before the Monday on which the said returning officer shall commence his sittings, or to be entitled in some other right, hereby saved, or not hereby affected, to vote at the Election of Members of Parliament to serve for such City or Borough; and *shall expunge* from the said list the name of every person who shall be proved to be a minor under the age of twenty-one years, or incapacitated by any law or statute from voting for Members to serve in Parliament, and of every person who shall be proved not to have been for the time aforesaid the occupier of such house as aforesaid, or not to have made good the payment of all rates, rents and taxes,



all objections to the omission or insertion of the names therein, respectively; and that such Barrister so appointed as aforesaid shall give public notice by advertisement in the County newspapers, that he will make a circuit of the County for which he shall be so nominated and appointed, and of the several times and places at which he will hold courts for that purpose, and he shall hold an open court for that purpose at the times and places so to be announced; and that such Barrister shall be paid for discharging the duty so cast upon him, out of the \_\_\_\_\_ at the rate of not more than \_\_\_\_\_ or less than \_\_\_\_\_ for every day that he shall be so employed: Provided always, That no Barrister so nominated and appointed as aforesaid shall be eligible to serve in Parliament for twelve months from the time of such his appointment for the County for which he shall be nominated and appointed."

**SECT. 29.**

“ And be it Enacted, That the said Barrister shall inquire into and determine all such objections as aforesaid, and shall expunge the names of all persons who shall not have owned or held the lands or tenements in respect of which he claims to vote for the space of *Thirty* days at the least before the first day of holding the said court, or who shall be incapacitated by any law or statute from voting in the Election of Members to serve in Parliament, and shall insert the name of any person who may to the satisfaction of such Barrister prove himself to have owned or held such lands and tenements as may entitle him to a vote in the next ensuing Election, and who shall not be proved incapable by law of voting in the Election of Members to serve in Parliament; provided that no name shall be expunged or inserted without such notice and publication as is hereinbefore required in respect to the lists to be made for Cities and Boroughs.”

**SECT. 30.**

“ And be it Enacted, That such Returning Officer and such Barrister so holding their respective courts as aforesaid, shall have power to administer an oath to all persons making objection to the insertion or omission of any name in such list as aforesaid, and to all persons objected against, and to all witnesses who may be

tendered on either side, *but that the said hearings shall not be attended by counsel*; and that such Returning Officer or Barrister shall, upon the hearing in open court, *finally determine* upon the validity of such claims and objections, and shall in open court write his initials against the names respectively struck out or inserted, and sign his name to the several lists so settled."

#### SECT. 31.

"And be it Enacted, That such lists shall, when so settled and signed, be tacked together and form one list for the County or Division, City or Borough respectively; and the list so signed by the said Barrister shall be transmitted to the Clerk of the Peace of the County for which he shall have been appointed; and the list so signed by the said Returning Officer shall be by him kept and handed over at the expiration of his office to the person succeeding him in the same; and that the Clerk of the Peace and the Returning Officer respectively shall cause copies of the same to be printed at the expense of the County (which shall be delivered to all persons applying, on payment of *Sixpence* for each copy,) and that such lists shall be the lists of Electors to vote after the end of this present Parliament, in the choice of Knights, Citizens and Burgesses for the several Counties, and division of Counties, Cities and Boroughs for which such lists shall be made respectively at any Election which may be holden after the said  
day of in the present year, and before the first day  
of December in the next year, and the lists to be made in each succeeding year shall be the lists of the Electors to vote at any Election to be holden after the first day of December in each succeeding year respectively."

Upon these Clauses this remark is sufficient, that in wanton disregard of the rights and privileges of the subject, they are of a piece with the rest of the Act. First, Churchwardens and Overseers are required to make returns of matters of which they can have no cognizance, and on which they have no power of compelling information. They are required to decide, in the first instance, what is the real value of a tenement, what are the terms or conditions under which leases are holden, who are the persons that have a claim to vote by reason of any corporate or other right, and who have paid their rent and

taxes up to the day of making the return. But the ignorance of the Churchwarden is to be corrected by the Returning Officer, and for that purpose, the Returning Officer of every Borough is hereby empowered to hold once a-year a sort of court, having given three days' notice of the same, in and at which court he is to hear and decide summarily the validity of every man's claim to have a vote for such Borough. We know well enough that there is not a Returning Officer in the kingdom competent to decide, with any show of justice, the questions which must arise, not only whilst all the existing rights continue, but also those on the subject of rateability, which must for ever attend the very qualification proposed by the Bill. In ordinary cases, these questions are raised at solemn elections, and argued by counsel, and decided with the assistance, and by the advice of counsel, and the expense is borne by the candidate; whereas, it is absurd to suppose that any such expense will be incurred by a single poor voter for his vote, or that Returning Officers, even if the words of the clause do not prohibit it, either would, or indeed *could*, procure the assistance of counsel at their courts, which are to be holden, as it seems, about the same time in every year, in all the Boroughs in England and Wales. Can *common* constables—and such will be many of the Returning Officers under this Bill—perform the arduous and critical duty of determining the validity of votes? Has this matter been considered in a lawyer-like manner? The Clause as to the lists of County Voters is equally objectionable, and involves this additional novelty, that a man, having the requisite qualification in many parishes, will have as many votes for the County as there are Parishes in which he has property. For while he will, of necessity, be returned as a voter by the Churchwarden of each Parish (that is to say, if the Churchwarden ascertain the fact), the Barrister is not invested with any power to expunge his name, however frequently repeated in the different lists, unless it shall appear that he has not really holden the lands for which he claims to vote, or shall be incapacitated by law from voting at elections.

#### SECT. 32.

“ And be it Enacted, That in all Elections whatever of Members to serve in any future Parliament, no inquiry shall be permitted at the time of polling, except as to whether the person claiming to

vote be the same whose name appears in such list, and whether such persons shall have previously voted at the same Election, and no such person shall be excluded from voting at any such Election, except by reason of his refusing to take the oaths or make the affirmation required by law."

If, therefore, a voter duly registered (say) on the 1st of November, sells his freehold the next day, and then an election happens within the year,—ten months afterwards,—the purchaser will have no vote, though fully qualified, and the seller may, if he pleases, without lawful let or impediment, vote himself; for *his* name will be the only one registered in respect of the given freehold, and *no inquiry is to be permitted at the time of polling, except as to whether the person claiming to vote be the same person whose name appears in such list, &c.* Is this intended, or is this mere blundering? And note, that if this Bill pass, it will be impossible to have a new election within nearly a year; *during which time the Crown's prerogative of dissolution at pleasure will be practically suspended!* And, what is yet more to be considered, if a demise of the Crown should take place after the passing of this Bill, and before the registration of the new voters under it, what places are to send Members to Parliament, and who are to vote for them, will be questions of equal difficulty, to which this Bill affords no means of giving any answer.

#### SECT. 33.

"Provided nevertheless, and be it further Enacted, That by petition to the House of Commons, complaining of an undue Election or Return of any Knight, Citizen or Burgess, any Petitioner shall be at liberty to question the correctness of the lists which shall have been settled by such Barrister or Returning Officer, and to prove that names were improperly retained, inserted, expunged or omitted at the registration that shall have taken place next before the Election or Return complained of; and the Committee before whom the merits of any such petition shall be tried may inquire into the same, and alter the poll taken at such Election according to the truth of the case, and direct the Return to be amended accordingly; and in case of corruption, partiality or wilful misconduct, may order such costs to be paid to the Petitioner by such Barrister or Returning Officer as such Committee shall think reasonable."

This clause deserves notice from its more than usual ingenuity. No man is to vote at all whose name does not appear on the list. But after the election has been concluded, the correctness of this list may be questioned before a Committee, and the Committee may be of opinion that names have been improperly expunged by the Barrister ten months before the election. All this is very well; but the remaining task imposed on the Committee is, to say the least of it, new. They are required to alter the poll according to what would have been the votes of men, who, never having been on the list, had no power of tendering a vote for any candidate. They are to decide how a man would have voted if he had had a vote at an election some time since gone by, and they are to decide this without any contemporaneous indication of the supposed Voter's intentions.

#### SECT. 34.

"And be it Enacted, That the Sheriffs of the Counties directed hereby to be divided, shall fix the several days of Election for Knights of the Shire for the several Parts, Ridings and Divisions of their said respective Counties, and shall preside at the same by themselves or their lawful deputies.

#### SECT. 35.

"And be it Enacted, That at all contested Elections of Members to serve in all future Parliaments, except Elections for Counties and Divisions of Counties, the Poll shall commence on the day of nomination, or on the day next following, or at the latest on the *Third* day; and that the number of hours during which the polling shall proceed shall on the first day of polling be *Seven*, and on the second day *Eight*; and that the Poll shall on no account be kept open later than *Four* o'clock in the afternoon of such second day; and the final state of the Poll shall be declared not later than *Two* o'clock in the afternoon of the *Third* day after the Poll shall be opened; and the returning officer or officers shall return the Member or Members to serve in Parliament by virtue of such Election immediately after the final state of the Poll is declared."

#### SECT. 36.

"And be it Enacted, That if on the day of Election of a Knight to serve in any future Parliament for any County or Division more

Candidates shall be proposed for the choice of the Electors than the number of vacancies to be filled up, and a Poll shall be demanded, the polling shall commence at *Nine* o'clock in the forenoon of the next day but one after the day of Election, in the several places to be appointed as hereinafter directed by the Magistrates for taking Polls ; and the final state of the Poll shall be declared at noon of the *Sixth* day after the said day of Election."

*Fifteen* hours are allowed for the entire polling of all Boroughs or Borough Districts. In the Tower Hamlets there will be upwards of 26,000 voters ; is it possible to take all these votes in such a short time ? Is it not evident that the most noisy and turbulent will exclude all the rest ? *Thirty* hours also are to be allowed for County Polling. Can this be sufficient ?

What also is to be the security against the same individual successively voting at the several polling places fixed for the County ? By the Bill, as it now stands, every Voter may, if he please, poll at any one or at all within the County for which he has a Vote. The inquiry which is permitted to be made, as to whether he has previously voted, will be either omitted in the necessary hurry of such an election, or not being required upon oath, will be readily answered in the negative.

#### SECT. 37.

"And be it enacted, That the Justices of the Peace for each County assembled at the general quarter sessions to be holden next after the *passing of this Act*, and after such Royal Proclamations as hereinbefore mentioned, making known the Divisions and Incorporations of the said counties for which, after the *passing of this Act*, Knights of the Shire shall be elected, to serve in all future Parliaments, or at some special sessions to be by them appointed, and of which at least there shall be given *Ten* days public notice, shall consider and shall have full power to appoint convenient places within such Counties and Divisions for taking the Poll at all future Elections of Knights of the Shire to serve in Parliament for the said Counties and Divisions respectively, in such manner that no person shall have to travel more than *Fifteen* miles from the property in respect of which he claims to vote ; provided that no County or Division of a County now entitled or by this Act empowered to send Knights of the Shire to serve in Parliament shall have more than *Fifteen* places appointed for taking the Poll for the same respectively."

## SECT. 38.

“ And be it Enacted, That the said Justices of the Peace shall have the like authority to appoint different places, at the end of *Two* years from the first appointment to be made for that purpose, and that a list of the Polling Places to be so appointed shall be lodged with the Clerk of the Peace of each County; and that the names of such places so appointed shall be inserted on lists to be affixed on the door of the churches and chapels within each County and Division immediately after they are so made according to the last appointment, and the polling at Election, shall take place according so the list last lodged, in conformity to this Enactment, with the said Clerk of the Peace.”

## SECT. 39.

“ And be it Enacted, That every Election of Members to serve in all future Parliaments for all Cities and Boroughs in England shall be held, carried on and concluded in some one place, and under the superintendence and control of the same returning officer or officers; but there shall be appointed for taking the poll at such Elections different booths for different parishes, districts or places, so divided and allotted as to the returning officer or officers shall seem most convenient, of which division and allotment public notice shall be given, so that no greater number than *Six hundred* shall be required to poll at any one booth.”

## SECT. 40.

“ And be it Enacted, That, after the end of this present Parliament all Booths to be built for the convenience of taking polls shall be erected by contract with the Candidates, or if they cannot agree, such Booths shall be erected by the Sheriff or other returning officer or officers at the joint and equal expense of the several Candidates; and that the Clerks employed in taking the poll shall be paid *One guinea* by the day by each of the Candidates at such Election: Provided always, That if any person shall be proposed without his consent, then the person so proposing him shall be liable to defray his share of the said expenses in like manner as if he had been a candidate.”

## SECT. 41.

" And be it Enacted, That the number of hours during which the Poll for any County or Division, shall be taken on the first day shall be *Seven*, and on the second day shall be *Eight*; and that no Poll shall be kept open later than *Four* o'clock in the afternoon of the *Second* day."

## SECT. 42.

" And be it Enacted, That the Poll-clerks, at the close of each day's poll of an Election for any County or Division, shall enclose and seal their several books, and shall in open court deliver them so sealed to the Sheriff or to his deputy presiding at such poll, who shall give a receipt for the same; and the Sheriff or his deputy who so receives, shall, on the commencement of the poll on the second day, deliver them back so enclosed and sealed to the person from whom he shall have received them; and on the final close of the poll, the said Sheriff or such his deputy shall keep the said poll-books so unopened until the re-assembling of the court on the *Sixth* day, when he shall openly break the seals thereon and cast up the number of votes as they appear on the said several books, and shall openly declare the state of the poll or polls, and shall make proclamation of the Member or Members chosen."

## SECT. 43.

" And be it Enacted, That so much of an Act passed in the twentieth year of the reign of King George the Third, intituled, " An Act to remove certain difficulties relative to Voters at County Elections," as requires the names of Freeholders to be placed on the land-tax roll, shall be and the same is hereby Repealed; and all laws, statutes and usages now in force respecting the Election of Members to serve in Parliament for that part of the United Kingdom called England and Wales, shall be and remain and are hereby declared to be and remain in full force, except so far as they are repealed or altered by this Act.

## SECT. 44.

" And be it Enacted, That if any Sheriff, returning officer, barrister or any person whatsoever, shall wilfully contravene or disobey the provisions of this Act or any of them, with respect to any

matter or thing which such Sheriff, returning officer, barrister or other person is hereby required to do, he shall for such his offence be liable to be sued in an action of debt in any of His Majesty's courts of Record at Westminster for the penal sum of

and the jury before whom such action shall be tried may find their verdict for the full sum of

or for any less sum not less than

which the said jury shall think it just that he should pay for such his offence; and the defendant in such action, being convicted, shall pay such penal sum so awarded, with full costs of suit, to any party who may sue for the same, without prejudice however to the right of any party grieved by the same misconduct of such Sheriff, returning officer, barrister or other person, to recover such damages in an action on the case for a false return, or any other grievance, as he may be entitled to at common law or by virtue of any statute now in force."

#### SECT. 45.

" And be it Enacted, That if any person named in any of the lists so as aforesaid required to be made, but who at the time of any Election shall be in the enjoyment of any office now by law disqualifying him from giving his vote at the election of Members to serve in Parliament, shall presume to vote at such Election, he shall be liable to all penalties and forfeitures to which he would have been subject for the said offence by any law in force at the time of the passing of this Act, any thing herein contained notwithstanding; and in case of a Petition to the House of Commons, for altering the Return or setting aside the Election in which such person shall have voted, his vote shall be struck off by the Committee, with such costs to be by him paid to any Petitioner as to such Committee shall seem just."

#### SECT. 46.

" And be it Enacted and Provided, That nothing in this Act contained shall extend to or in any wise affect the Election for Members to serve in Parliament for the Universities of Oxford or Cambridge.

## SECT. 47.

“ And be it Enacted, that throughout this Act wherever the words “ City or Borough,” “ Cities or Boroughs” may occur, those words shall extend to and include all towns corporate, cinque ports, districts or places within England and Wales which shall be entitled, after this Act shall have passed, to return Members to serve in Parliament, other than Counties and divisions of Counties, and also to the town of Berwick-upon-Tweed; and the words “ returning officer” shall apply to every person or persons who by virtue of his or their office, either under the present Act or under any former law, custom or statute, has or have had and shall have the right of returning writs or precepts for the Election of Members to serve in Parliament, by whatever name such person or persons may have been called; and the words “ parish or township” shall extend to every parish, township, vill, hamlet, district or place maintaining its own poor; and the words “ churchwardens and overseers of the poor” shall extend to all overseers of the poor in the several parishes, townships or chapelries, vills, districts or places, by whatever name or title they may be called, and whether appointed under the Act for the relief of the Poor passed in the forty-third year of her Majesty Queen Elizabeth, or under any local Act, or according to any peculiar custom; or in any other manner whatever.”

Such is the measure of Parliamentary Reform which his Majesty's Government in its wisdom has thought proper to propose to the House of Commons, and which, according to the Lord Chancellor, the People of England *already regard with almost parental tenderness, and with every the minutest detail of which they are not only satisfied but delighted.* If this be really so, then Heaven have mercy upon this great nation; for its Rulers are mad, and there is no Vision in the Land!

Two moral phenomena of the present crisis will pre-eminently arrest the attention of the future historian and philosopher. The first is, that in this hazardous reconstruction of the most important member of the frame of the Constitution, no one Statesman came forth to explain in what respect the END of all Legislation—GOOD GOVERNMENT—was to be more expeditiously or more certainly secured than by the old system, which had been nearly six hundred years in growing up with the Nation; and the second is, that the only plain and intelligible

argument used by the reconstructors was, THAT THE PEOPLE WOULD NOT BE SATISFIED WITHOUT THE CHANGE. In a country, all the great political Philosophers of which, More, Bacon, Milton, Harrington, and Sidney, had in all their proposed and wished-for developments of the latent Idea of the Constitution constantly kept in view, as their polar Star, the attainment of a government by the Aristocracy—the Best and Wisest of the Nation;—and where that solemn declaration of the rights of the subject in 1688, and the change in the royal line consequent thereon, were effected and maintained by a Minority of Patriots *against* a numerical Majority of the People, who were undoubtedly disaffected to the Revolution,—in *such* a country these two phenomena will hereafter stamp this age and crisis with a peculiar character. By all the great political writers and statesmen of England before the present day, Representation was considered as important only, and in proportion, as it was an *effectual condition of good government*: by the present leaders of public opinion it is regarded as the *END*, to be attained at any hazard and by any sacrifice. But *how* can any consistent and prospective plan of foreign or domestic policy be maintained by the Executive Power, unless it can be assured, up to a certain point, of support in Parliament: and how is the Government of the country to be carried on at home and abroad with that unremitting zeal and watchfulness, which the honor and the interest of the Empire imperiously demand, when every ministry must spend half its time and attention in securing a preponderance of votes on each particular measure? It is *even now* confessed that the House of Commons is so unmanageable that the real business of government is very seriously impeded; the most indispensable votes of credit can hardly be carried by Tories or Whigs; and the Prerogative of the Crown, in the free and lawful exercise of which the glory and the stability of the whole Constitution consist, is checked and crippled at every turn by the coarse jealousy and base thirst for Plebeian Popularity, which *even now* have begun sensibly to vulgarize the debates of that House! If such symptoms appear in the green tree, what will it be in the dry? If such a temper is countenanced now, when the antagonist principles of Conservation and Permanence are still strong, what will the Legislature be when *DEMUS* shall be all in all?

What is it that this Reformed House of Commons is to effect,

which may not be effected by the present House, as safely, as surely, as expeditiously? The applauded answer is, that with a Reformed House of Commons we should have waged no ruinous Wars, and have incurred no ruinous Debt! Let the assumption that our Wars and our Debt have been and are ruinous, pass: but to the answer itself, I reply that if there be truth in Philosophy,—if there be experience in History,—we *should* have had ruinous wars and ruinous debt with, and in exact proportion to, what is called a Reformation of Parliament! It is the noted remark of Machiavel, that there is this natural and perpetual oscillation in the disposition of the lower and mechanical classes, which form the vast bulk of every people, namely, whilst they enjoy plenty and ease, to be ever ready to join in a wild howl for War, but as soon as ever their gratified passion for War has produced its sure consequences—Debt and Taxation—then to be clamorous for Retrenchment and Alteration of Government! Is there in Holy Writ a passage more profoundly true than this? Which of the wars of England, even the American, has not been a popular war at its commencement? Which of them in its continuance has not had to struggle with a clamor for peace? What general of a popular State, from Hannibal to Marlborough, has not wept over plans frustrated, and victories rendered useless by the sordid whine of popular vacillation? And if that great and celebrated Man,—the single Rival (is there falsehood in saying, the single Superior) to Marlborough,—whose LIFE it is that yet makes the name of England terrible among the nations;—before whose combining head and patient spirit, and dauntless heart, Rajah and Crescent, Marshal and Baton, Napoleon and his Fortunes, waned, quailed, sunk;—if that Man *did* wreath the most righteous and successful sword that England ever drew, with the most glorious peace which She ever signed,—it was, under God, mainly caused by the unflinching determination of a wise government to resist the cowardly counsels of men, whose pusillanimity was only equalled by their want of any sense of the honor of their Country! For to provoke where it dares not fight,—to incur a debt, and then question the security—is no shame to the Multitude; for Multitudes cannot blush!

Have gentlemen heard the story of the owner of a Steam vessel and his Captain? “Sir,” said the captain to the owner, one summer’s day, “we must have, if you please, a new

Engine." "A new Engine! and why?" cried the owner, a good deal astonished; for his vessel was a favorite, and for many years had been the model of all those built in the harbour. "The fact is," said the captain, "we are unanimously of opinion—I, the mate, the stewards, the men, and the cabin-boys—we are all, I say, of opinion that this present Engine will do no longer, and that we must have a new one!" "Well! captain," remarked the owner, "this is most extraordinary, to be sure! There are THREE THINGS which a steam-engine in a vessel like ours ought to effect. First, it ought to be so constructed as to cause the *maximum, or greatest rate of SAFE SPEED* in the element in which the vessel is to move. I say *safe speed*; because you know very well that if we put on too much Power, although for a little while the vessel will go faster, in the end the resistance from the water will be more than equivalent to the added force; and then, if we were to persist, the waves would rise around us like rocks and dash the boat to pieces. Secondly, the Engine ought to be so strong, and yet so flexible, as to be able to RESIST INTERNAL AND EXTERNAL PRESSURE; so that neither the Steam from within, nor the Crew from without should be able to hurt or displace it. Lastly, it ought, above all things, to be MANAGEABLE, and so ordered that, in a squall, or in the night, or upon other such sudden and well-known pinches at sea, we may be able to *change the boat's course, or lower her rate, or even stop her dead short at once!* Now will you have the goodness to point out to my satisfaction in what respect my present Engine is deficient in either or in any of these three requisites?" "Sir," answered the captain, after a pause, "for the matters you speak of, the Engine may be well enough! but the real truth is, and *we are all quite unanimous about it—WE DON'T LIKE THE SHAPE OF THE BOILER; and what is more, WE CAN'T AWAY WITH THE OIL!*"

But the People are unanimous and must be obeyed! They will take no abatement on their Bill, and it must be paid in full! They *will* have Reform, and *this* Reform, and, so they say now, *nothing but this Reform!* And this national *tendency* cannot be resisted!

Are the people of England unanimous in wishing *this* Bill to become the permanent Law of the Land? Must Parliament grant that wish, if that wish is founded in ignorance and apparently productive of evil to the Well-being of the Nation? Is it

sound Patriotism to yield to the People; if the People are misled, and ask for they know not what? It is an event of these times more sinister than the introduction of this very Bill itself, that such doctrines are now openly maintained. It is no longer the SAFETY, but the WILL of the people that must be the SUPREME LAW! The House of Commons is no longer to be the Representative of the Interests of the Nation, but the *fettered delegate of a particular Class of it*. But "we are bound," said Mr. Fox, in 1781, "to promote the *true interests* of the people in preference to the *dearest desires of their hearts*;" and the Constitution makes us the sole arbiters of those interests, notwithstanding the *imaginary* infallibility of the people. Shall we sacrifice our reason, our honor, our conscience, to the FEAR OF INCURRING THE POPULAR RESENTMENT? and while we are appointed to watch the Hesperian fruit of liberty with a dragon's eye, *be ourselves the only slaves of the whole community*? Perhaps I shall be told that nothing but the soul of absurdity could suspect the people of a design against their own happiness. I do not suspect the people of any such design; but I suspect their capacity to judge of their own happiness. I KNOW THEY ARE GENERALLY CREDULOUS, AND GENERALLY UNINFORMED; captivated by appearances, while they neglect the most important essentials, and ALWAYS RIDICULOUSLY READY TO BELIEVE THAT THOSE MEN WHO HAVE THE GREATEST REASON; FROM THEIR EXTENSIVE PROPERTY; TO BE ANXIOUS FOR THE PUBLIC SAFETY, ARE ALWAYS CONCERNING MEASURES FOR THE OPPRESSION OF THEIR OWN POSTERITY. I stand up for the CONSTITUTION, NOT for the PEOPLE. *If the people attempt to invade the Constitution they are the ENEMIES OF THE NATION*. Being therefore convinced that we are to do justice, whether it is agreeable or disagreeable; I am for maintaining the *independence of Parliament*, and will not be a REBEL to my KING, to my Country, or my own HEART, for the loudest huzza of an *inconsiderate multitude*!"

And the Lord Chancellor, before he was Lord Chancellor, in 1818, said,—“It is a *serious and melancholy* truth that the ONLY RESULT of yielding to the *desire of conciliating popular favor*, by proposing measures which discretion does not approve, is that many will be ready to outbid for that applause by still more *extravagant concessions*; and THE HIGHEST

**BIDDER WILL NOT BE THE MOST HONEST AND ENLIGHTENED, BUT THE MOST SERVILE AND SUBMISSIVE,—THE MOST MAD OR DISHONEST!**"

Time was when it passed into a proverb that "great bodies are moved slowly:" but now, the most gigantic bodies are agitated with monstrous rapidity, and the sleepless Press gives a Voice and a Tone, a Swell and a Fall, to the popular Mind, as if it were a summer gale, breathing, as it listed, on the subject chords of a wind-lute. Think of the Ballot! Not twelve months ago it was so *unpopular* that scarcely one man in a hundred countenanced it; it was almost *ungentlemanly* to have any thing to do with it. Within six months it became so popular,—its merits remaining the same,—that public meeting after public meeting petitioned for it. They would give every thing *for* it, and would take nothing *without* it. A very able writer, Mr. Grote, said twice over, that Reform would be a **MOCKERY** without it. Now, again, poor Ballot is as unpopular as ever; its merits remaining the same: even Hunt cannot get a hearing in a Common Hall for it; and Mr. Grote petitions with a grateful heart for a Reform which is without it; that is to say, for a **MOCKERY**!—a mockery indeed, and a bitter one, but not in the sense of Grotius.

May not the Judgment and Discretion of a body be reasonably suspected by sober men, when we see that same body capable of such frivolous eagerness in such causeless changes? Yesterday, Ballot could alone save the nation! To-day, Reform without Ballot, and against Ballot, can alone save it! In January, all Reform without Ballot is a Mockery and a Fraud! In December, Reform without Ballot is so far from being a Mockery or a Fraud, that the very mobs of London and Preston have resented even a humble reminiscence of such a position from the lips of their own consistent Demagogues! As one of them (John Cade), some years ago, said, "Was ever feather so lightly blown to and fro as this multitude?"

But is it so certain, after all, that the people will **NOT CHANGE AGAIN**? Are the provisions of this Bill so just, liberal and impartial, that no cause of complaint will remain to the **THOUSANDS** above the Ten-pound and Twenty-pound Householder, whom it virtually annihilates, and to the **MILLIONS** below the qualification, whom as a *class* it expressly sets at nought? Will men, who see that the old prescriptive privileges have been abolished

in part or altogether, acquiesce in permanent exclusion from a franchise, which they themselves have mainly contributed to procure for others, from whom they are in no respect distinguished, except by being on the wrong side of a *new Population or Tax-line*, for which line no argument can be alleged, *except that a line must be drawn somewhere? Why* should not that line be so drawn as to circumscribe *every* man in the kingdom who has property, however small,—a name and connexions, however humble? *Why* should not that line be so drawn as to give to *every* freeborn Briton, who is liable to serve the King by land or by sea, a voice in the election of those by whose decisions he may be subjected to burthens and penalties deeply affecting his Life, his Limbs and earthly Honor? Would not this be quite *as reasonable a line* to draw as payment of £10 a-year for a house? After granting what is granted by this Bill, have Ministers any good *reason* (always excepting the '*line somewhere*'!) for refusing to grant more? And if they have no *reason*, will they have **POWER**?

Let us hear Mr. Hunt upon this matter, who boasts to be somewhat exclusively *the* representative of *the people* in the House, and, "to speak the voice of millions." "I will," says the Honourable Member, "predict one thing; that *if* the voters are protected by the ballot, this measure will be *productive* of a substantial reform, and prove satisfactory. *Without that it will be neither*; and it will only in my mind aggravate the evil, and make the representation more corrupt than it is at this hour. In truth and fact the voters will, under this reformed system, require the protection of the ballot to enable them to act freely *more than before*."—*Speech, March 2.* Again, "This Bill will place a vast proportion of the community, and the most valuable part of it too, the mechanics, who live in small houses and tenements, in a *state of political slavery*; for it will exclude them from the right of choosing representatives."—*Speech, March 4.* Yet, say our Ministers, this is a **FINAL MEASURE**;—they walk hand in hand in goodly fellowship with the member for Preston, who honestly describes himself to be "*as thorough-going a radical as ever paced the Strand*;" they are strong in his strength, and rejoice in the light of his countenance; by *his* help they hope to be able to accomplish this measure; and when they have so done, will they be able to refuse him *theirs*, or will he need it for the accomplishment of *his own*?

Buonaparte called us a *nation* of shopkeepers; are we to have a GOVERNMENT of shopkeepers as well?

If this Bill passes, CAVEAT CREDITOR! There are advocates for an Equitable Adjustment in the House, in the *Cabinet*, even now. The payers of assessed taxes have it under the hands of a Whig Ministry, that *no further retrenchment can be made without* violating the public faith. *Unless* the Debt be touched, the Interest, twenty-eight millions odd, must be annually raised. There is no cure for it but payment, or composition, or bankruptcy. The Delegates of ten-pound householders will soon learn that Taxes cannot be reduced except by letting down Army and Navy, which would be *unpopular*, or by a breach of contract with the Stock-holder, which would only be *dishonest*. Between offending their Constituents and offending Justice, such Delegates would not hesitate.

If this Bill passes, CAVEAT CLERICUS! Let my Lords the Bishops look to it! Lord Grey, the first Minister who has dared to do so since the Revolution, has expressly said, that "although he should *deprecate* the removal of the Protestant, and the setting up of a Romish, Establishment in Ireland, he did not think either event likely to affect the welfare of the country!" Very well! TUA RES AGITUR! The next side wall is burning. The Irish Church will go *FIRST*; there is no doubt of *that*. For two or three days and nights the one-eyed Monster will spare the wise Ulysses, who may flatter or intoxicate him; he will not devour Canterbury or Winchester, till Armagh or Meath be digested. There is comfort in *that*; it may last *our* time!

The Irish Reform Bill will send about thirty Roman Catholic Members to the House of Commons: add to these the English Roman Catholics, the Scotch Presbyterians, the English Dissenters, the Ubiquitarian enemies of any Establishment *whatever*, and the *reduction in the English representation in general*:—CAN TITHES STAND IT?

If this Bill passes, CAVEANT PROCERES! There are many who think that we shall never be well till "Manchester be plain Mr. Montagu again;" and there are more who think that "it was never merry world in England, since gentlemen came up!" That opinion will not lose ground. Hitherto, by an admirable deflexion from the formal theory of the three Estates, each House has, by different but equivalent means, been enabled to

operate mutually *on*, by operating mutually *in*, the other; the independence of the Lords has been preserved by *presenting* collision with the Commons. The battle of the Peers is fought *in* the Commons, and not *against* the Commons. The effective government of the empire is vested in the Lower House: let that undoubted fact be well considered, when, in honest simplicity we are told that the Peers *may have their House*, and the Commons *only want their house to themselves*! Upon what do the Lords stand? On Numbers?—their Number is as one to a million! On Property?—*their* Property is as a grain of sea-sand in the balance against the Property of the Commons! On Law and Prescription?—the wax that has sealed a Lennox, or may seal a Varie, Duke, will melt as easily and as justly, as the wax on the Charters of one hundred and seven Corporations! It was Harrington's profound aphorism,—“that the People are often deceived by Names, but never in Things.” If one Charter may yield, because Expedience seems to require it, will a Patent be respected when *Expedience* demands its extinction? Where lies the difference? If Gatton has ceased to be of the importance it possessed in the time of Henry VI., and must *therefore* be disfranchised, *how many* of our ancient Coronets will bear the application of a similar test?

If this Bill passes, CAVEAT ———!

Says the Honourable Member for Westminster, sportively—

“ ——— ridentem dicere verum  
Quid vetet?”

“ This is not the time to talk lightly of crowned heads, either dead or alive, as they have enough to do to keep their positions without our endangering them further.”—*March 3.* It is even so; “ *The Representative of the People, the Voice of Millions,*” does not talk *lightly*, but plainly, upon this as upon other subjects:—“ I have often enough protested against the profligate extravagance of the family on the throne.—It is the profligacy of the last reign, the extravagance of the family on the throne, and the misconduct of this House, which have brought the institutions of the country into disrepute. *I would not object to the passing of A Civil List*, but I do object to the profligacy of that family, which has brought the institutions of the country into disrepute, and which has encouraged the demoralization of this House. To the situation to which this House and the country

has been brought, the Royal Family, I contend, have mainly contributed."—*March 2.* All this appears even by an *unreformed* House to have been listened to without impatience or remonstrance; when it shall come to be addressed to a House of Ten-pound Delegates, that, like Aaron's rod, shall have swallowed up all other rods, think you that *no* one will suggest, or that any one will decline to second, a motion for a Search for *PRECEDENTS*?

There is *ONE* on the Journals of the House of Commons IN POINT!

"*Regem ad SUPPLICIUM ———!*"

Lastly, if this Bill passes, let *THE PEOPLE* beware—high and low, rich and poor, great and little, one with another! The warning may be in vain; cupidity, credulity, foolhardiness, restless discontent, and real pressure, all conspire to blind the eyes and to deafen the ears of this people; yet there *is* a good sense at the bottom of the English commonalty, that ought to see through the gross delusion of this Bill. There is *no one* so low as not to have *something* to lose by a Revolution; and remember that none but villains can *live* by a Revolution. This Bill is the first overt act! The end may not be *yet*; but it *will* come as surely as it *has* come to the Madness of France and to the Folly of Belgium! Countrymen! You never yet saw Civil War! You have never seen the streets stream with blood; brothers armed against brothers, fathers against sons, neighbours against neighbours! You have only *heard* of wives and maidens being violated, of children massacred, of murder in open day, of riot lording it over this fair land, and destroying every thing good, great, and beautiful in it! Beware a beginning! *Other* nations have felt all this, and you *may* do so too! *They* counted not the *cost*! Have you? Do you *know how far* you are going? Do you see the *end* of your journey? It is *one* of yourselves—the *common people*—who now speaks; and he knows that his record is true,—that the storm which demolishes temple and tower, and levels coronet and crown, will most surely not spare the lowliest cottage in the land!

"*Nos Utinam Vani!*"

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